



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: 1645
BIRKELUND, et al.) Examiner: SHAHNAN-SHAH, K.
Serial No.: 09/446,677) Washington, D.C.
Filed: March 24, 2000) March 4, 2002
For: NOVEL SURFACE EXPOSED) Docket No.: BIRKELUND=1
PROTEINS FROM...)

SUBSTITUTE ELECTION WITH TRAVERSE
(REQUEST TO SHIFT ELECTION)

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Commissioner of Patents
Washington, D.C. 20231

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S i r :

1. On February 27, 2002, Applicants elected group I with traverse. On March 1, Counsel was advised that Applicants wished to elect group III with traverse, instead. A shift should be permitted; action has not yet been given on the elected subject matter. The shift here results "in no additional work or expense", see MPEP §819.01.

Group III is directed to chlamydial proteins. They are related to group I, in that the antibodies of (I) are directed against those proteins. They are related to group II, as the nucleic acids of II encode the proteins of III. And they are related to IV, which is to the use of the proteins of III in immunization.

Since the claimed chlamydial proteins were not known to the prior art, they define a unifying inventive concept justifying the joinder of I, II and IV to III.

2. Applicants maintain the election of the species of SEQ

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ID NO:2, with the same traversal as in the paper filed February 27.

Respectfully submitted,

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